

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

Pharma Base S.A. and Aspiration Trust
Reg.,

Plaintiffs,

v.

HVL LLC (a.k.a. H.V.L. and Douglas
Laboratories) and
Hi-Vidomin Laboratories, Inc.,

Defendants

Civil Action No. 07-____ - ____

JURY TRIAL DEMANDED

COMPLAINT

Plaintiffs, Pharma Base S.A. (“Pharma Base”) and Aspiration Trust Reg. (“Aspiration Trust”), for their Complaint against Defendants HVL LLC (“HVL”) and Hi-Vidomin Laboratories, Inc. (“Hi-Vidomin”), allege the following:

THE PARTIES

1. Pharma Base is a corporation organized and existing under the laws of Switzerland, and has a principal place of business at Churerstrasse 166, CH-8808 Pfaffikon, Switzerland.

2. Aspiration Trust Reg. (“Aspiration Trust”) is a corporation organized and existing under the laws of Liechtenstein having a principal place of business at Bannholzstrasse 16, P.O.Box 381, FL-9490 Vaduz, Principality of Liechtenstein, and is a wholly-owned subsidiary of Plaintiff Pharma Base.

3. On information and belief, HVL is a limited liability corporation organized and existing under the laws of the state of Delaware, having a principal place of business at 600 Boyce Road, Pittsburgh, Pennsylvania 15205, United States of America.

4. On information and belief, Hi-Vidomin is (a) a corporation organized and existing under the laws of the state of Delaware, having a principal place of business at 300 Delaware Avenue, Wilmington, Delaware 19801, (b) is a wholly-owned subsidiary of HVL and (c) acts as a holding company for HVL.

JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to 15 U.S.C. §§ 1501 *et seq.* ("the Lanham Act"), and 28 U.S.C. §§ 1331, 1332(a), 1338(a) and/or 1367(a).

6. On information and belief, Defendants HVL and Hi-Vidomin, in addition to being citizens of Delaware, have been and are doing business in this District.

7. On information and belief, Defendant HVL has placed goods in the stream of commerce knowing that such goods likely would enter this District, and such goods have entered this District.

8. On information and belief, Defendant HVL has offered to sell and sold goods in this District and continues to offer to sell and sell goods in this District.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

NATURE AND CIRCUMSTANCES OF THE PARTIES' DISPUTE

10. Plaintiff Pharma Base is a supplier of Coenzyme Q10 fast melting tablets (the "Fast Melt Product") that are marketed and sold under the trademarks COQMELT and QMELT in a variety of countries throughout the world.

11. Plaintiff Pharma Base's Fast Melt Product features a patented process by which the tablet, when placed under the tongue, begins to dissolve immediately upon contact.

12. Defendant HVL is a distributor and retailer of nutritional supplements in the United States of America and Canada.

13. In late 2001 and early 2002, Plaintiff Pharma Base and Defendant HVL negotiated the terms of a commercial relationship, ultimately entering into an Exclusive

Distributorship Agreement (the "Distribution Agreement") which, among other things, references an Ownership and Licensing of Trademark Agreement (the "Trademark Ownership and Licensing Agreement").

14. Despite the language of the Trademark Ownership and Licensing Agreement, Defendant Hi-Vidomin filed on February 13, 2002 and on July 23, 2002 applications to register the marks COQMELT and QMELT, respectively, with the U.S. Patent and Trademark Office.

15. On August 1, 2006, Defendant Hi-Vidomin assigned its ownership interest to the U.S. TM registrations for COQMELT and QMELT together with the goodwill of the business in connection with which the trademarks were used to Aspiration Trust. *See*, Trademark Assignment, attached as Exhibit "A."

16. Plaintiffs are the owners of all rights, title and interests in and to the trademarks COQMELT and QMELT in the United States, Canada, and other countries worldwide. In addition to common law rights to these marks owned by Plaintiffs, Plaintiff Aspiration Trust holds title to United States Registration Nos. 2,733,259 and 2,803,702 for COQMELT and QMELT, respectively, for the benefit of Pharma Base in its business of supplying the Fast Melt Product. The registration of the COQMELT mark issued July 1, 2003 for "dietary and nutritional supplements". *See*, COQMELT Registration, attached as Exhibit "B". The registration of the QMELT mark issued January 6, 2004 for "dietary and nutritional supplements". *See*, QMELT Registration, attached as Exhibit "C."

17. Under the Distribution Agreement, Defendant HVL was obliged to use certain efforts to market and sell the Fast Melt Product in the United States and Canada under Plaintiffs' COQMELT mark.

18. On or about May 16, 2002, Defendants began using used Plaintiffs' COQMELT mark for the first time to market and/or sell the Fast Melt Product in the United States and Canada, and on information and belief, Defendants have continued to market and sell the Fast Melt Product in the United States in Canada under Plaintiffs' COQMELT mark.

19. On or about December 4, 2002, Defendants began using Plaintiffs' QMELT mark for the first time to market and/or sell the Product in the United States and/or Canada, and on

information and belief, Defendant's have continued to market and sell the Fast Melt Product in the United States and Canada under Plaintiffs' QMELT mark.

20. Due to a series of disputes that arose between Pharma Base and HVL the Agreements with HVL, to the extent such Agreements existed, were terminated.

21. Although it was initially demanded that Defendants cease and desist all use of the COQMELT and QMELT marks, it was subsequently agreed that Defendants could continue to use the marks limited solely to the sale of remaining inventory of the Fast Melt Product that was purchased from Pharma Base and in Defendants' possession, custody or control.

22. Defendants continue to be obligated to use their best efforts to sell the remainder of the Fast Melt Product inventory in their possession, custody or control, and owe to Pharma Base duties of fidelity, good faith, and fair dealing created both expressly and impliedly by the Distribution Agreement.

23. Plaintiffs have recently learned that Defendants have received an unknown quantity of a substitute CoEnzyme Q10 product (the "Chewable Lozenge Product") from an unknown supplier not affiliated with Plaintiffs, and that Defendants are actively marketing and distributing the Chewable Lozenge Product.

24. In contrast to Plaintiffs' Fast Melt Product, the Chewable Lozenge Product is a cough-drop style lozenge that is chewed by the consumer as opposed to melting quickly as with the Fast Melt Product.

25. Defendants have adopted the mark "COQLOZ" in selling the Chewable Lozenge Product.

26. Defendants, through their fictitious trade name "Douglas Laboratories", have sold and are selling the Fast Melt Product under the name COQMELT side-by-side with the Chewable Lozenge Product under the name COQLOZ on the Douglas Laboratories website. *See*, July 23, 2007 Screen Shot of www.douglaslabs.com, attached as Exhibit "D".

27. In addition to selling the Chewable Lozenge Product, which was not supplied by Plaintiffs and is not affiliated with Plaintiffs, under the COQLOZ mark, Defendants have

advertised and/or are causing to be advertised the Chewable Lozenge Product in a manner creating the false impression that the Chewable Lozenge Product is affiliated with Plaintiffs.

28. Defendants' Chewable Lozenge Product is being sold on a variety of websites in a manner designed to confuse Defendants' Chewable Lozenge Product with Plaintiffs' Fast Melt Product, at, upon information and belief, Defendants' direction, with Defendants' approval, and/or with Defendants' acquiescence.

29. For example, on information and belief, Defendants are selling and/or are causing to be sold both the Fast Melt Product under the COQMELT mark and the Chewable Lozenge Product under the COQLOZ mark side-by-side on a website with the domain name www.tsangenterprise.com. Under that website, clicking on the link for "COQLOZ" takes one to a page in which only a picture of Plaintiffs' Fast Melt Product is featured. Moreover, although the link purports to be for the Chewable Lozenge Product under the COQLOZ mark, the description of the Chewable Lozenge Product in fact consists of text discussing almost exclusively Plaintiffs' Fast Melt Product, and in fact makes repeated reference to the COQMELT mark. See, June 1, 2007 Screen Shot of www.tsangenterprise.com, attached as Exhibit "E".

30. The only other reference to COQLOZ in the text of the www.tsangenterprise.com website page, other than for the link enabling purchase of the Chewable Lozenge Product under the COQLOZ mark, is the following false statement—"CoQmelt (*sic*) 300mg is now renamed Coq-Loz (*sic*) with same ingredient and better taste." See, Exhibit E.

31. In another example, Defendants are selling and/or are causing to be sold both the Fast Melt Product under the COQMELT mark and the Chewable Lozenge Product under the COQLOZ mark side-by-side on a website with the domain name www.naturalgreens.com. Under that website, clicking on the link for "COQLOZ" takes one to a page in which Defendants' Chewable Lozenge Product is pictured under the COQLOZ mark. However, although the link purports to be for the Chewable Lozenge Product, the description in fact consists of text discussing almost exclusively Plaintiffs' Fast Melt Product, and makes repeated reference to the COQMELT mark. In fact, the title of the page selling Defendants' Chewable Lozenge Product is, "Product Detail: CoQ-loz 300 mg (CoQMelt), Douglas Labs". See, May 25, 2007 Screen Shot of www.naturalgreens.com, attached as Exhibit "F".

32. In yet another example, Defendants are selling and/or are causing to be sold both the Fast Melt Product under the COQMELT mark and the Chewable Lozenge Product under the COQLOZ mark side-by-side on a website with the domain name www.betterlife.com. Under that website, Defendants' "COQLOZ" Product is being sold under the following title—"CoQLOZ 300 MG (CoQmelt 300)". *See*, June 1, 2007 Screen Shot of www.betterlife.com, attached as Exhibit "G".

**COUNT I
(TRADEMARK INFRINGEMENT)**

33. Plaintiffs repeat and re-allege each of the preceding paragraphs in this Complaint.

34. Plaintiffs' COQMELT and QMELT marks are inherently distinctive.

35. To the extent not inherently distinctive, Plaintiffs' COQMELT and QMELT marks have acquired secondary meaning and significance in the minds of the consuming public for Coenzyme Q10 dietary supplements.

36. All public recognition and goodwill associated with Defendants' use of Plaintiffs' COQMELT and QMELT marks either inured to the benefit of or has been assigned to Plaintiffs.

37. The trademarks COQMELT and QMELT have been used continuously since their adoption to identify the Plaintiffs' Fast Melt Product and to distinguish that product from the products offered by others.

38. After adoption and use of the COQMELT and QMELT marks in connection with the sale of Coenzyme Q10 dietary supplements, Defendants have sold and continue to offer to sell the Chewable Lozenge Product, a substitute Coenzyme Q10 dietary supplement, under the COQLOZ mark, as evidenced in Exhibits D, E, F and G, and on information and belief.

39. Defendants' Chewable Lozenge Product and Plaintiffs' Fast Melt Product are closely related products.

40. On information and belief, Defendants' sale of the Chewable Lozenge Product under the COQLOZ mark is intended to exploit the reputation and goodwill cultivated by Plaintiffs in the COQMELT and QMELT marks.

41. On information and belief, the COQLOZ mark that Defendants have used and continue to use is confusingly similar with Plaintiffs' COQMELT and QMELT marks.

42. Defendants' activities are believed to have caused, and are likely to cause, confusion, mistake, or deception, thereby causing great harm to the goodwill and public recognition cultivated in the COQMELT and QMELT marks by Plaintiffs and have diminished the value of the COQMELT and QMELT marks.

43. Plaintiff has not given its consent, directly or indirectly, to Defendants to use marks similar to the COQMELT and QMELT marks.

44. Defendants, and each of them, have infringed Plaintiffs' marks in interstate commerce and in this District by various acts, including marketing, offering for sale and selling Coenzyme Q10 dietary supplements under the name COQLOZ. The unauthorized use of the confusingly similar name COQLOZ by Defendants constitutes a violation of the Lanham Act, 15 U.S.C. § 1051 et seq., as amended, to the substantial and irreparable injury of the public and of Plaintiffs' trademarks, business reputation and goodwill.

45. Plaintiffs have no adequate remedy at law. Defendants' foregoing conduct has caused and will continue to cause, if not enjoined, irreparable damage to Plaintiffs' rights in its COQMELT and QMELT marks and in Plaintiffs' business, reputation and goodwill.

46. Plaintiffs' damages from Defendants' unauthorized and unlawful activities, to the extent ascertainable, have not yet been determined.

COUNT II
(FALSE ADVERTISING IN VIOLATION OF § 43(a) OF THE LANHAM ACT—
FALSE AND/OR MISLEADING DESCRIPTION)

47. Plaintiffs repeat and reallege all of the allegations contained in the preceding paragraphs of this complaint as though the same were fully set forth herein.

48. Plaintiffs' Fast Melt Product is of superior quality and is more desirable to consumers than Defendants' Chewable Lozenge Product, because, among other reasons, the Fast Melt Product quickly dissolves in a consumer's mouth while the Defendants' Chewable Lozenge Product is more similar to a chewable cough drop, and requires a great deal more time to dissolve.

49. Despite, or perhaps because of, the obvious advantages of Plaintiffs' Fast Melt Product over Defendants' Chewable Lozenge Product, Defendants have falsely stated, and continue to falsely state, in their marketing, advertising, and other public declarations, or have caused and continue to falsely cause others to state, in their marketing, advertising, and other public declarations, that their Chewable Lozenge Product is identical to, has the same qualities as, and/or provides the same benefits as Plaintiffs' Fast Melt Product.

50. These actions of the Defendants are likely to confuse, mislead, and deceive members of the public as to the quality and nature of the Defendants' and/or Plaintiffs' products and services in violation of 15 U.S.C. § 1125(a).

51. In the alternative, on information and belief, Defendants had knowledge of the falsity and/or misleading nature of their representations of fact regarding their products, in that they knew, among other things, of the qualities and advantages of Plaintiffs' Fast Melt Product before Defendants' false descriptions were made.

52. Defendants' conduct described above has caused and, if not enjoined, will continue to cause irreparable damage to the rights of Plaintiffs in their marks and their business, reputation, and goodwill. Plaintiffs' damages from the aforesaid unlawful actions of the Defendants, to the extent ascertainable, have not yet been determined.

COUNT III
(FALSE ADVERTISING IN VIOLATION OF § 43(a) OF THE LANHAM ACT—
FALSE CLAIM OF SPONSORSHIP AND/OR APPROVAL)

53. Plaintiffs repeat and reallege all of the allegations contained in the preceding paragraphs of this complaint as though the same were fully set forth herein.

54. By falsely stating, and continuing to falsely state, in their marketing, advertising, and other public declarations that their Chewable Lozenge Product was “formerly” Plaintiffs’ Fast Melt Product sold under the mark COQMELT, Defendants falsely imply that the Chewable Lozenge Product is a “next generation” product offered by Plaintiffs, and have otherwise misrepresented the Chewable Lozenge Product as being sponsored by, approved by, or associated with Plaintiffs.

55. These actions of the Defendants are likely to confuse, mislead, and deceive members of the public as to the sponsorship, approval, or association of Defendants’ products and services by Plaintiffs, in violation of 15 U.S.C. § 1125(a).

56. In the alternative, on information and belief, Defendants had knowledge of the falsity and/or misleading nature of their representations of fact regarding their products, in that they knew, among other things, that Plaintiffs do not sponsor or approve, and are not associated with Defendants’ Chewable Lozenge Product before Defendants’ false descriptions were made.

57. Defendants’ conduct described above has caused and, if not enjoined, will continue to cause irreparable damage to the rights of Plaintiffs in their marks and their business, reputation, and goodwill. Plaintiffs’ damages from the aforesaid unlawful actions of the Defendants, to the extent ascertainable, have not yet been determined.

**COUNT IV
(FEDERAL UNFAIR COMPETITION IN VIOLATION OF
§ 43(a) OF THE LANHAM ACT—PASSING OFF)**

58. Plaintiffs repeat and reallege all of the allegations contained in the preceding paragraphs of this complaint as though the same were fully set forth herein.

59. Plaintiffs’ Fast Melt Product is separate and distinct from Defendants’ Chewable Lozenge Product.

60. Plaintiffs do not develop, design, manufacture, distribute or market, and are not otherwise involved with Defendants’ Chewable Lozenge Product.

61. Nonetheless, Defendants have advertised and marketed their Chewable Lozenge Product or have caused the advertisement and marketing of their Chewable Lozenge Product in

such a fashion that they have failed to distinguish their Chewable Lozenge Product from the products and services offered by Plaintiffs.

62. In fact, Defendants have actively created the impression that their Chewable Lozenge Product and COQLOZ mark are the same as Plaintiffs' products and are otherwise offered by Plaintiffs.

63. These actions of the Defendants are likely to confuse, mislead, and deceive members of the public into believing that Defendants' products and services are offered by Plaintiffs, in violation of 15 U.S.C. § 1125(a).

64. In the alternative, on information and belief, Defendants had knowledge that they were passing off of their Chewable Lozenge Product as being offered by Plaintiffs, in that Defendants knew, among other things, that Plaintiffs do not develop, design, manufacture, distribute, or market, and are not otherwise involved with Defendants' Chewable Lozenge Product before Defendants engaged in such passing off.

65. Defendants' conduct described above has caused and, if not enjoined, will continue to cause irreparable damage to the rights of Plaintiffs in their marks and their business, reputation, and goodwill. Plaintiffs' damages from the aforesaid unlawful actions of the Defendants, to the extent ascertainable, have not yet been determined.

**COUNT V
(UNFAIR COMPETITION IN VIOLATION OF
PENNSYLVANIA COMMON LAW)**

66. Plaintiffs repeat and reallege all of the allegations contained in the preceding paragraphs of this complaint as though the same were fully set forth herein.

67. Plaintiffs' Fast Melt Product is separate and distinct from Defendants' Chewable Lozenge Product.

68. Plaintiffs do not develop, design, manufacture, distribute or market, and are not otherwise involved with Defendants' Chewable Lozenge Product.

69. Nonetheless, Defendants have advertised and marketed their Chewable Lozenge Product or have caused the advertisement and marketing of their Chewable Lozenge Product in such a fashion that they have failed to distinguish their Chewable Lozenge Product from the products and services offered by Plaintiffs.

70. In fact, Defendants have actively created the impression that their Chewable Lozenge Product and COQLOZ mark are the same as Plaintiffs' products and are otherwise offered by Plaintiffs.

71. These actions of the Defendants are likely to confuse, mislead, and deceive members of the public into believing that Defendants' products and services are offered by Plaintiffs, in violation the laws of the Commonwealth of Pennsylvania.

72. In the alternative, on information and belief, Defendants had knowledge that they were passing off their Chewable Lozenge Product as being offered by Plaintiffs, in that Defendants knew, among other things, that Plaintiffs do not develop, design, manufacture, distribute, or market and are not otherwise involved with Defendants' Chewable Lozenge Product before Defendants engaged in such passing off.

73. Defendants' conduct described above has caused and, if not enjoined, will continue to cause irreparable damage to the rights of Plaintiffs in their marks and their business, reputation, and goodwill. Plaintiffs' damages from the aforesaid unlawful actions of the Defendants, to the extent ascertainable, have not yet been determined.

COUNT VI
(UNJUST ENRICHMENT)

74. Plaintiffs repeat and reallege all of the allegations contained in the preceding paragraphs of this complaint as though the same were fully set forth herein.

75. Benefits have been conferred upon Defendants by Defendants' unauthorized use of Plaintiffs' marks. Defendants have accepted and retained these benefits. It is inequitable for Defendants to retain such benefits without compensating Plaintiffs. Defendants have been unjustly enriched at the expense of Plaintiffs.

76. Defendants' actions constitute unjust enrichment under the common law of the Commonwealth of Pennsylvania.

WHEREFORE, Plaintiffs request:

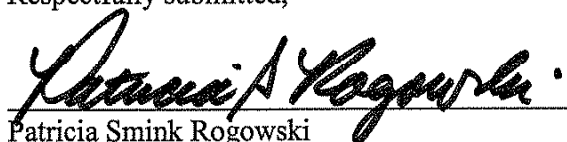
- (a) That the Court find Defendants have infringed Plaintiffs' COQMELT and QMELT trademarks;
- (b) That the Court find there is a substantial likelihood that Defendants will continue infringing Plaintiffs' COQMELT and QMELT trademarks unless enjoined from doing so;
- (c) That the Court preliminarily enjoin Defendants, their officers, directors, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, or under them, or either of them, from infringing Plaintiffs' COQMELT and QMELT trademarks, in any manner, or participating or assisting in any such activity;
- (d) That the Court permanently enjoin Defendants, their officers, directors, agents, servants, employees, attorneys, confederates, and all persons acting for, with, by, through, or under them, or either of them, from infringing Plaintiffs' COQMELT and QMELT trademarks, in any manner, or participating or assisting in any such activity;
- (e) That the Court award Plaintiffs damages incurred as a result of Defendants' trademark infringement in an amount to be determined at trial, and that such damages be trebled;
- (f) That the Court award Plaintiffs their attorneys' fees, costs and expenses incurred in prosecuting this action;
- (g) That the Court require Defendants to recall and deliver to Plaintiffs for destruction, at Defendants' expense, all literature, brochures, quotes, packaging, labels, pamphlets, catalogs, website advertising and any other material bearing the COQLOZ trademarks, or any confusingly similar mark(s) thereto, and ensure that any and all third party vendors displaying such material cease and desist from doing so;
- (h) That the Court require Defendants to recall and deliver to Plaintiffs for destruction, at Defendants' expense, all literature, brochures, quotes, packaging, labels,

pamphlets, catalogs, website advertising and any other material bearing the COQMELT or QMELT trademarks, or any confusingly similar mark(s) thereto, used by Defendants to sell their Chewable Lozenge Product, and ensure that any and all third party vendors displaying such material cease and desist from doing so; and

(i) That the Court require Defendants to file with the Court, and to serve on Plaintiffs, within thirty (30) days after entry of an Order as herein prayed, a written report, under oath, setting forth in detail the manner in which Defendants have complied with such Order.

Respectfully submitted,

Date: July 23, 2007



Patricia Smink Rogowski

Del. Bar ID No. 2632

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Exhibit A

TRADEMARK ASSIGNMENT

WHEREAS, Hi-Vidomin Laboratories, Inc., a Delaware corporation, (hereinafter referred to as "ASSIGNOR"), having an office at 600 Boyce Road, Pittsburgh, Pennsylvania 15205 is the owner of the U.S. Trademarks COQMELT (Registration Number 2,733,259) and QMELT (Registration Number 2,803,702), together with the goodwill of the business symbolized thereby (hereinafter referred to as "TRADEMARKS"); and

WHEREAS, Aspiration Trust Reg., a Liechtenstein corporation, having an office at Bannholz Strasse 16, P.O. Box 381, FL 9490 Vaduz, Liechtenstein, (hereinafter referred to as "ASSIGNEE") is desirous of acquiring ownership of the TRADEMARKS.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency thereof which is hereby acknowledged, ASSIGNOR does hereby assign, transfer and set over to ASSIGNEE its ownership interest in and to the TRADEMARKS in the United States, together with the goodwill of the business in connection with which the TRADEMARKS are used.

Signed in the name of Hi-Vidomin Laboratories, Inc. by its duly authorized representative on this
1 day of August, 2006.

HI-VIDOMIN LABORATORIES, INC.

By [Signature]
Name L. Douglas Lioon
Title CEO

ACKNOWLEDGEMENT

PROVINCE OF QUEBEC)
CANADA)

On this day, I hereby certify that Mr. L. Douglas Lioon signed on the foregoing Trademark Assignment as duly authorized representative of Hi-Vidomin Laboratories, Inc., and acknowledged that said instrument is the duly authorized act and deed of said corporation and that the facts stated therein are true.

Given under my hand and seal this 1st day of August, 2006.



[Signature]
Commissioner for Oaths

My commission expires: Oct. 25, 2008

Exhibit B

Trademark Electronic Search System (TESS)

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Typed Drawing

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Design Search Code
Serial Number 76373163
Filing Date February 21, 2002
Current Filing Basis 1A
Original Filing Basis 1B
Owner (APPLICANT) Aspiration Trust reg. CORPORATION LIECHTENSTEIN Pflugstrasse 22 FL- 9490 Vaduz LIECHTENSTEIN
Attorney of Record James A. Oliff
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator DEAD
Abandonment Date February 20, 2004

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Exhibit C

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Typed Drawing

Word Mark	QMELT
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Nutritional and dietary supplements. FIRST USE: 20021204. FIRST USE IN COMMERCE: 20021204
Mark Drawing Code	(1) TYPED DRAWING
Design Search Code	
Serial Number	78146419
Filing Date	July 23, 2002
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	February 11, 2003
Registration Number	2803702
Registration Date	January 6, 2004
Owner	(REGISTRANT) Hi-Vidomin Laboratories, Inc. CORPORATION DELAWARE 600 Boyce Road Pittsburgh PENNSYLVANIA 15205 (LAST LISTED OWNER) ASPIRATION TRUST REG. CORPORATION LIECHTENSTEIN BANNHOLZ STRASSE 16, P.O. BOX 381, FL 9490 VADUZ LIECHTENSTEIN
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Robert P. Lenart
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

Trademark Electronic Search System (TESS)

<http://tess2.uspto.gov/bin/showfield?f=doc&state=4ibtrh.2.1>

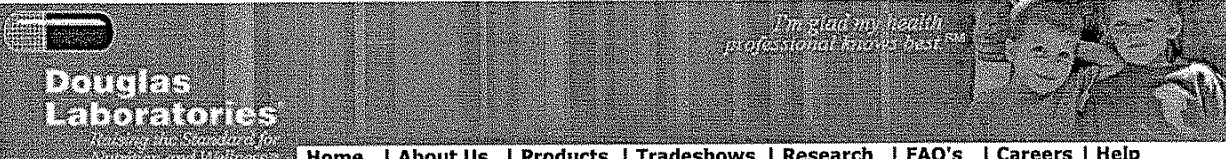
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Exhibit D

Douglas Labs

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Healthcare Professional Login username : <input type="text"/> password : <input type="password"/> <input type="button" value="SUBMIT"/> Forgot password? Request password	Products > Browse by Category > Category: Co-Q-10 Formulas > Subcategory: Coenzyme Q10 Formulas <table border="1"> <tr> <td>COENZYME Q-10 50MG W/VIT C</td> <td>100</td> </tr> <tr> <td>COENZYME Q-10 60MG W/LIPOIC</td> <td>30, 60</td> </tr> <tr> <td>COENZYME Q-10 ULTRA 200MG CHEWABLE/EMULSIFIED</td> <td>30, 60, 90</td> </tr> <tr> <td>COENZYME Q-10, 25 MG W/TAURINE</td> <td>60</td> </tr> <tr> <td>COENZYME Q10 (100 MG) S-GEL</td> <td>30</td> </tr> <tr> <td>COQ-LOZ 300MG</td> <td>60</td> </tr> <tr> <td>COQMELT 100MG BLISTER PK 28'S</td> <td>28</td> </tr> <tr> <td>COQMELT@ 60 MG</td> <td>60</td> </tr> </table>	COENZYME Q-10 50MG W/VIT C	100	COENZYME Q-10 60MG W/LIPOIC	30, 60	COENZYME Q-10 ULTRA 200MG CHEWABLE/EMULSIFIED	30, 60, 90	COENZYME Q-10, 25 MG W/TAURINE	60	COENZYME Q10 (100 MG) S-GEL	30	COQ-LOZ 300MG	60	COQMELT 100MG BLISTER PK 28'S	28	COQMELT@ 60 MG	60	Browse by: Categories Health Function Ingredients Alphabetical Order DL Formula Number Premier Products New Products
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COENZYME Q-10 60MG W/LIPOIC	30, 60																	
COENZYME Q-10 ULTRA 200MG CHEWABLE/EMULSIFIED	30, 60, 90																	
COENZYME Q-10, 25 MG W/TAURINE	60																	
COENZYME Q10 (100 MG) S-GEL	30																	
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Exhibit E

CoQmelt, Coq-Loz (Coenzyme Q10, CoQ10) - The patented fastest Abs...

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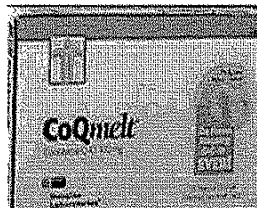
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Home of Natural Remedies & Nutritional Information



CoQmelt (CoEnzyme Q10) - The patented fastest Absorbing CoQ10 formulation

CoQmelt 300mg is now renamed Coq-Loz 300mg with same ingredient and better taste

Dosage 100 mg Size: 28 tablets pack

Dosage 300 mg Size: 60 tablets bottle

Ingredient

Each Fast Melt tasty tablet Contains:

Coenzyme Q10 100 mg or 300mg.

100mg Tablet Split in half easily.

Direction

Adults take 1 fast-melt tablet daily or as directed by physician.

High dose (1200 mg a day) is used in parkinson's disease or for boosting Immune System Function. Please read **Newsletter #68**
--- CoQ10 - A wonderful Essential Nutrient.

About CoQmelt

CoQmelt is a breakthrough formulation of coenzyme Q10 in a 100 mg or 300mg fast-melt tablet. Using patented technology, not available in any other CoQ10 product, CoQmelt has been shown to be the fastest absorbing CoQ10 formula ever. In a completed clinical trial, various delivery forms of CoQ10 were



studied for their absorptive kinetics in male subjects. CoQmelt's fast-melting tablet was compared with powder-filled hard-shell capsules, and two different soft gelatin capsules in a single dose, crossover study. Overall, CoQmelt was shown to reach a peak plasma level almost 3 times as fast as hard and soft gelatin formulations. CoQmelt's patented technology and formulation allows for the creation of a mouth-soluble tablet. The process allows for the incorporation of a lipid soluble compound (in this case, CoQ10) into a water soluble matrix. A porous tablet can then be created that will begin dissolving on contact with saliva, thereby releasing the active ingredient in a suspension that is swallowed. The result, (extremely rapid absorption), allows CoQ10 to get into the blood significantly faster than other delivery forms. Each fast-melt tablet provides 100 mg or 300mg of naturally-fermented coenzyme Q10 in a delicious tasting vegetarian and sugar-free formula.

CoEnzyme Q10 or Coq10 or ubiquinone promotes Cellular Energy Production & Cardiovascular Health. CoEnzyme Q10 is an essential component of the mitochondria - the energy producing unit of the cells in our body. Coenzyme It is vital in the manufacture of ATP which is a primary energy source in the body. It is a vitamin-like substance whose actions in the body resemble those of Vitamin E. It aids in circulation, stimulates the immune system, increases tissue oxygenation, and has vital anti-aging effects. Deficiencies of Coenzyme Q10 have been linked to diabetes, periodontal disease, and muscular dystrophy. It is beneficial for people who suffer from heart failure, asthma, allergies, respiratory disease. It is also very useful in treating obesity, candidiasis, multiple sclerosis and diabetes. Coenzyme Q10 is also demonstrating potent anti-cancer properties for cancer treatment as shown in the studies described below.

Warning:

Not recommended if you're pregnant or nursing. Keep out of reach of children.

Clinical Studies

Several double-blind studies have found that **CoQ10 supplements can markedly improve symptoms and objective measurements of heart function** when they are taken along with conventional medication. In the largest of these studies, 641 individuals with moderate to severe congestive heart failure were monitored for 1 year. given 2 mg per kilogram body weight of CoQ10 daily, the rest were given placebo. Standard therapy was continued in both groups. The participants treated with CoQ10 experienced a significant reduction in the severity of their symptoms. No such

improvement was seen in the placebo group. The people who took CoQ10 also had significantly fewer hospitalizations for heart failure. An 8-week double-blind placebo-controlled study of 59 men already taking medications for high blood pressure found that 120 mg daily of CoQ10 could reduce blood pressure by about 9% as compared to placebo.⁷ Similarly positive results were also seen in smaller studies involving a total of over 250 participants.^{2,3} Cardiomyopathy is the general name given to conditions in which the heart muscle gradually becomes diseased. Several small studies suggest that CoQ10 supplements are helpful for some forms of cardiomyopathy.^{4,5,6}

Coenzyme Q10 is also demonstrating potent anti-cancer properties. (Ref 8-16) In the early 1970s, Dr. Karl Folkers began testing CoQ10 as a supplement for cancer patients and documented unexpectedly longer survival with CoQ10 use. CoQ10 has been found to protect against chemotherapy induced cardiac toxicity, specifically from Adriamycin, which known to cause heart damage. Studies have shown that cancer patients who take 90mg of CoQ10 per day may experience a reduction in pain and weight loss, increased appetite, and decrease of metastases. However, when doses are increased to 300-390mg daily, studies have reported partial and total tumor remission. In several studies, CoQ10 worked wonders with patients who had chosen to take chemotherapy, reducing the toxicity of such treatment. In one study, patients who were given CoQ10 had little or no toxicity, even though they were given much larger doses of the toxic chemotherapy agent than were given to the control group. But now a new series of studies are turning up some even more exciting news. CoQ10 may be able to halt cancer. Dr. William Campbell Douglass reports research findings and case histories in his newsletter Second Opinion that show a correlation between CoQ10 and breast cancer. Low levels of CoQ10 were found in women with breast cancer. Increased levels were associated with regression and remission. Among the studies, Dr. Karl Folkers of the University of Texas, Austin reports regression of breast cancer, not only at the original site, but even of cancer that had spread (metastasized) to the liver.

References

1. Morisco C, Trimarco B, Condorelli M, et al. Effect of coenzyme Q10 therapy in patients with congestive heart failure: a long-term multicenter randomized study. Clin Investig. 1993;71(suppl):S134-S136.
2. Hashiba K, Kuramoto K, Ishimi Z, et al. Heart. 1972;4:1579-1589. Cited by: Werbach MR. Nutritional Influences on Illness [book on CD-ROM]. Tarzana, Calif: Third Line Press; 1998.
3. Hofman-Bang C, Rehnquist N, Swedberg K, et al. Coenzyme Q10 as an adjunctive treatment of congestive heart failure. J Am Coll Cardiol.

1992;19:216A.

4. Langsjoen H, Langsjoen P, Langsjoen P, et al. Usefulness of coenzyme Q10 in clinical cardiology: a long-term study. *Mol Aspects Med.* 1994;15(suppl):S165-S175.

5. Langsjoen PH, Vadhanavikit S, Folkers K. Response of patients in classes III and IV of cardiomyopathy to therapy in a blind and crossover trial with coenzyme Q10. *Proc Natl Acad Sci U S A.* 1985;82:4240-4244.

6. Pogessi L, Galanti G, Comeglio M, et al. Effect of coenzyme Q10 on left ventricular function in patients with dilative cardiomyopathy. *Curr Ther Res.* 1991;49:878-886.

7. Singh RB, Niaz MA, Rastogi SS, et al. Effect of hydrosoluble coenzyme Q10 on blood pressures and insulin resistance in hypertensive patients with coronary artery disease. *J Human Hypertens.* 1999;13:203-208.

8. Folkers K. The potential of coenzyme Q 10 (NSC-140865) in cancer treatment. *Cancer Chemotherapy Reports - Part.* 1974;4:19-22.

9. Folkers K, Brown R, Hanioka T, Williams M, Quillin P, Iafelice R. Unpublished study cited by Folkers K. in Relevance of the biosynthesis of coenzyme Q10 and of the four bases of DNA as a rationale for the molecular causes of cancer and a therapy. *Biochemical and Biophysical Research Communications.* 1996;224:358-361.

10. Iarussi D, Auricchio U, Agretto A, et al. Protective effect of coenzyme Q10 on anthracyclines cardiotoxicity: control study in children with acute lymphoblastic leukemia and non-Hodgkin lymphoma. *Molecular Aspects of Medicine.* 1994;15 Suppl:s207-12.

11. Lockwood K, Moesgaard S, Hanioka T, Folkers K. Apparent partial remission of breast cancer in 'high risk' patients supplemented with nutritional antioxidants, essential fatty acids and coenzyme Q10. *Molecular Aspects of Medicine .* 1994;15:S231-40.

12. Folkers K, Brown R, Judy WV, Morita M. Survival of cancer patients on therapy with coenzyme Q10. *Biochemical & Biophysical Research Communications.* 1993;192:241-5.

13. Lockwood K, Moesgaard S, Folkers K. Partial and complete regression of breast cancer in patients in relation to dosage of coenzyme Q10. *Biochemical & Biophysical Research Communications.* 1994;199:1504-8.

14. Lockwood K, Moesgaard S, Yamamoto T, Folkers K. Progress on therapy of breast cancer with vitamin Q10 and the regression of metastases. *Biochemical & Biophysical Research Communications.* 1995;212:172-7.

Folkers K. Relevance of the biosynthesis of coenzyme Q10 and of the four bases of DNA as a rationale for the molecular causes of cancer and a therapy. *Biochemical & Biophysical Research Communications.* 1996;224:358-61.

CoQmelt, Coq-Loz (Coenzyme Q10, CoQ10) - The patented fastest Abs...

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Scaglione F, Lundstrom B, Barbieri B, Lund B. Coenzyme Q10 as an immuno-enhancer: A single blind placebo-controlled and randomized clinical study. Presented to the First Conference of the International Coenzyme Q10 Association: May 21-24, 1998; Boston, MA.

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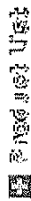
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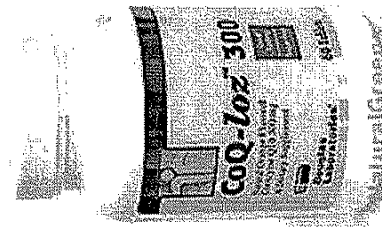


by Brand:

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Product Detail: CoQ-loz 300 mg (CoQMelt), Douglas Labs

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Natural Orange Flavored Coenzyme Q10 300 mg

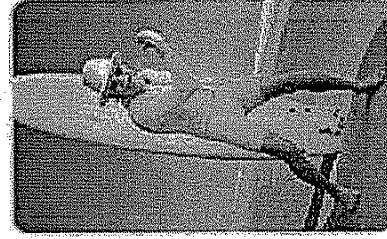
CoQMelt® is a breakthrough formulation of coenzyme Q10 in a 300 mg fast-melt tablet. Using patented technology, not available in any other CoQ10 product, CoQMelt has been shown to be rapidly absorbed into the bloodstream. In a recently completed clinical trial, various delivery forms of CoQ10 were studied for their absorptive kinetics in male subjects. CoQMelt's fast-melting tablet was compared with a powder-filled hard-shell capsule, and two different soft gelatin capsules in a single dose, crossover study. Overall, CoQMelt was shown to reach a peak plasma level over 3 times faster than some powder-filled hard-shell capsules and over 2 times faster than some soft gelatin formulations.

CoQMelt's patented technology and formulation allows for the creation of a mouth-soluble tablet. The process allows for the incorporation of a lipid soluble compound (in this case, CoQ10) into a water soluble matrix. A porous tablet can then be created that will begin dissolving on contact with saliva, thereby releasing the active ingredient in a suspension that is swallowed. The result, (extremely rapid absorption), allows CoQ10 to get into the blood significantly faster than other delivery forms. Each fast-melt tablet provides 300 mg. of naturally-fermented coenzyme Q10 in a delicious tasting vegetarian and sugar-free formula. **Tasting is believing.**

CoQ10 supports a healthy heart and energy production

Numerous studies have shown that maintaining sufficient levels of CoQ10 can positively support:

- Cardiovascular/circulatory health
- Those taking lipid lowering medications
- Heart health
- Energy production
- Antioxidant defense



DESCRIPTION:

CoQMelt®, provided by Douglas Laboratories®, supplies 300 mg of coenzyme Q10 in a natural orange flavored, fast-melting tablet. CoQMelt's patented

http://www.naturalgreens.com/ProdDetail.asp/ProdID/274_CoQloz_300mg

5/25/2007

delivery system a tablet that melts on the tongue virtually in seconds has been shown to enable CoQ10 to be rapidly absorbed into the bloodstream. Best of all, CoQMelt contains no sugar, artificial colors or flavors and is suitable for vegetarians.

FUNCTIONS:

Coenzyme Q10 (or ubiquinone) is an important rate-limiting nutrient that is a cofactor in the mitochondrial electron transport chain, the biochemical pathway in cellular respiration from which adenosine triphosphate (ATP) and metabolic energy is derived. Since nearly all cellular activities are dependent upon energy, coenzyme Q10 is essential for the health of all human tissues and organs. Coenzyme Q10 is a naturally-occurring antioxidant nutrient which retards free radical formation in biological systems. Coenzyme Q10 resembles vitamin E and vitamin K in chemical structure. Biochemically, it functions much like vitamin E in that it participates in antioxidant and free radical reactions. Healthy humans who consume a well-balanced diet have the ability to synthesize coenzyme Q10. Unhealthy individuals and those on an inadequate diet may not synthesize coenzyme Q10 in sufficient quantity.

According to Dr. Karl Folkers and other experts, humans can biosynthesize coenzyme Q10 from tyrosine or phenylalanine and mevalonic acid, which are small molecules abundant in the body. This is a complex biochemical process that requires 15 separate steps and many enzymes, coenzymes, vitamins and minerals. Only by such a process can the respiratory chain receive proper levels of coenzyme Q10. Thus, the biosynthesis of coenzyme Q10 in the human body requires a good diet one that is high in vitamins, minerals, and other nutrient factors. It has been shown by the NHANES studies that many Americans do not have an adequate diet. Rather, their intake of most water soluble vitamins, vitamin A and some minerals and trace elements is insufficient. Many of these nutrients are essential for the biosynthesis of coenzyme Q10. In addition, it has been shown that in disease states, nutrients from food sources may not necessarily be absorbed or available.

According to some experts, coenzyme Q10 should be considered an essential nutrient, as it is well established that coenzyme Q10 is essential for the health of every cell in the human body. Numerous studies indicate coenzyme Q10 also plays an important role in the maintenance of the entire cardiovascular system. Supplementation with coenzyme Q10 in patients has shown to be useful for the maintenance of healthy blood pressure. Coenzyme Q10 is also important for the maintenance of blood vessels and heart muscle function. In addition, people taking statin drugs can develop deficiencies in coenzyme Q10 and may require supplementation.

SUGGESTED USE:

Adults take 1 tablet daily with meals or as directed by physician.

[This product belongs to the following category]
- CoQ10

Supplement Facts

Container Size 60 Tabs
Serving Size 1 Tab

Amount Per 1 Tab

Content	%DV
Natural Coenzyme Q10	300 mg *

% Daily Values (DV) are based on a 2,000 calorie diet.

* Daily Value (DV) not established.

CoQ-loz 300 mg (CoQMelt), Douglas Labs - NaturalGreens

Page 3 of 3

CoQ-loz 300 mg (CoQMelt), Douglas Labs
(Manufacturer's Sku #: 99129-60X)

Size: 60 Tabs

Suggested Retail Price: \$160.00

Price: \$160.00 (Special-Price available)

Order Quantity: 1



- Receive **Free Shipping** on orders over \$45; all others are shipped for a flat rate of \$5.
- Receive **Volume Discount and Free Shipping** on orders over \$85 (more about our price structure).

- The statements provided are for information use only and is not intended to substitute advice from your physician or health care provider. Always follow the manufacturer's recommended dosage or suggested use. If you have any special medical condition including pregnancy or nursing, consult your physician.

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Item #	Product Description	Size	Regular Price	Our Price
DLB99129	Douglas Labs CoQLOZ 300 MG (CoQmelt 300)	60 LOZENGES	\$160.00	\$160.00

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JS 44 (Rev. 11/04)

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I. (a) PLAINTIFFS

PHARMA BASE S.A.
ASPIRATION TRUST REG.

(b) County of Residence of First Listed Plaintiff Switzerland
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Patricia S. Rogowski, Connolly Bove Lodge & Hutz LLP
P.O. Box 2207, Wilmington, DE 19899 302-658-9141

DEFENDANTS

HVL LLC
HI-VIDOMIN LABORATORIES, INC.

County of Residence of First Listed Defendant Pittsburgh, PA
(IN U.S. PLAINTIFF CASES ONLY)

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Attorneys (If Known)

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- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

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| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

- (Place an "X" in One Box Only)
- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1125

Brief description of cause: TRADEMARK INFRINGEMENT

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE SUE L. ROBINSON

DOCKET NUMBER 06-395-SLR

DATE

July 23, 2007

SIGNATURE OF ATTORNEY ON RECORD

Patricia S. Rogowski

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO FORM 85 RECEIPT (REV. 9/04)

United States District Court for the District of Delaware

Civil Action No. 07 - 458

ACKNOWLEDGMENT
OF RECEIPT FOR AO FORM 85

NOTICE OF AVAILABILITY OF A
UNITED STATES MAGISTRATE JUDGE
TO EXERCISE JURISDICTION

I HEREBY ACKNOWLEDGE RECEIPT OF 3 COPIES OF AO FORM 85.

7/23/07

(Date forms issued)



(Signature of Party or their Representative)

Parcells

(Printed name of Party or their Representative)

Note: Completed receipt will be filed in the Civil Action